



3

Any Docket No. 014643-009020US

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(e)) - SMALL BUSINESS CONCERNApplicant or Patentee: Nils Lonberg and Robert M. KayApplication or Patent No.: 08/728,463Filed or Issued: 10 October, 1996Title: TRANSGENIC-NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES

I hereby declare that I am:

- ☐ the owner of the small business concern identified below;
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Genpharm International, Inc.Address of Small Business Concern: 297 N. Bernardo Avenue
Mountain View, California 94043

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement: (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES by inventor(s) Nils Lonberg and Robert M. Kay described in:

- ☐ the specification filed herewith.
☒ Application No. 08/728,463, filed 10 October, 1996.
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(e) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name _____

Address _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

Name _____

Address _____

☐ Individual☐ Small Business Concern☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Jonathan MacQuitty, Ph.D.Title of Person if Other than Owner: Chief Executive OfficerAddress of Person Signing: 855 California Avenue, Suite C
Palo Alto, California 94301-1103

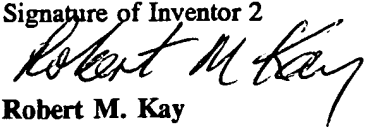
Signature _____

Jonathan MacQuitty, Ph.D.

Date

3/17/97**BEST AVAILABLE COPY**

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Cod , and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|---|---|-------------------------|
| Signature of Inventor 1 Nils Lonberg | Signature of Inventor 2  Robert M. Kay | Signature of Inventor 3 |
| Date | Date 12/13/96 | Date |

DP.MRG 8/96

03728463 101096



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES** the specification of which ___ is attached hereto or X was filed on 10/10/96 as Application No. 08/728,463 and was amended on ___ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
| | | | Yes _ No _ |
| | | | Yes _ No _ |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date |
|-----------------|-------------|
| | |
| | |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|---|
| 08/544,404 | 10-10-95 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/352,322 | 12-07-94 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/209,741 | 03-09-94 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/165,699 | 12-10-93 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/161,739 | 12-03-93 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/155,301 | 11-18-93 | _ Patented _ Pending <u>X</u> Abandoned |

| | | |
|------------|----------|--|
| 08/096,762 | 07-22-93 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 08/053,131 | 04-26-93 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/990,860 | 12-16-92 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/904,068 | 06-23-92 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/853,408 | 03-18-92 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/810,279 | 12-17-91 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/575,962 | 08-31-90 | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned |
| 07/574,748 | 08-29-90 | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Randolph T. Apple, Reg. No. 36,429

William M. Smith, Reg. No. 30,233

Joe Liebeschuetz, Reg. No. 37,505

| | |
|--|--|
| Send Correspondence to: William M. Smith TOWNSEND and TOWNSEND and CREW LLP Tw Embarcadero Center, 8th Floor San Francisco, CA 94111-3834 | Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: Randolph T. Apple Reg. No.: 36,429 Telephone: 415-326-2400 |
|--|--|

| | | | | |
|------------------------------------|---|--|---|--------------------------|
| Full Name of Inventor 1 | Last Name Lonsberg | First Name Nils | Middle Name or Initial | |
| Residence & Citizenship | City Redwood City | State/Foreign Country California | Country of Citizenship U.S.A. | |
| Post Office Address | Post Office Address 930 Edgecliff Way | City Redwood City | State/Country California | Zip Code 94061 |
| Full Name of Inventor 2 | Last Name Kay | First Name Robert | Middle Name or Initial M | |
| Residence & Citizenship | City San Francisco CA | State/Foreign Country California | Country of Citizenship U.S.A. BRITISH. RMT | |
| Post Office Address | Post Office Address 2127 Broadway #5 | City San Francisco | State/Country California | Zip Code 94115 |



#3

Attorney Docket No. 14643-009020

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **TRANSGENIC NON-HUMAN ANIMALS FOR PRODUCING HETEROLOGOUS ANTIBODIES** the specification of which ___ is attached hereto or X was filed on 10/10/96 as Application No. 08/728,463 and was amended on ___ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
| | | | Yes _ No _ |
| | | | Yes _ No _ |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date |
|-----------------|-------------|
| | |
| | |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|---|
| 08/544,404 | 10-10-95 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/352,322 | 12-07-94 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/209,741 | 03-09-94 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/165,699 | 12-10-93 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/161,739 | 12-03-93 | _ Patented <u>X</u> Pending _ Abandoned |
| 08/155,301 | 11-18-93 | _ Patented _ Pending <u>X</u> Abandoned |

| | | |
|------------|----------|--|
| 08/096,762 | 07-22-93 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 08/053,131 | 04-26-93 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/990,860 | 12-16-92 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/904,068 | 06-23-92 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/853,408 | 03-18-92 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/810,279 | 12-17-91 | <input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned |
| 07/575,962 | 08-31-90 | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned |
| 07/574,748 | 08-29-90 | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned |


POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Randolph T. Apple, Reg. No. ~~36,429~~
William M. Smith, Reg. No. ~~30,233~~
Joe Liebeschuetz, Reg. No. ~~37,505~~

| | |
|--|--|
| Send Correspondence to: William M. Smith TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834 | Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: Randolph T. Apple Reg. No.: 36,429 Telephone: 415-326-2400 |
|--|--|

| | | | | |
|-------------------------|---|--|---|--------------------------|
| Full Name of Inventor 1 | Last Name <u>Lonsberg</u> | First Name <u>Nils</u> | Middle Name or Initial | |
| Residence & Citizenship | City <u>Redwood City</u> <i>CA</i> | State/Foreign Country <u>California</u> | Country of Citizenship <u>U.S.A.</u> | |
| Post Office Address | Post Office Address <u>930 Edgecliff Way</u> | City <u>Redwood City</u> | State/Country <u>California</u> | Zip Code <u>94061</u> |
| Full Name of Inventor 2 | Last Name <u>Kay</u> | First Name <u>Robert</u> | Middle Name or Initial <u>M.</u> | |
| Residence & Citizenship | City <u>San Francisco</u> | State/Foreign Country <u>California</u> | Country of Citizenship <u>U.S.A.</u> | |
| Post Office Address | Post Office Address <u>2127 Broadway #5</u> | City <u>San Francisco</u> | State/Country <u>California</u> | Zip Code <u>94115</u> |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|--|--|-------------------------|
| Signature of Inventor 1  Nils Lonberg | Signature of Inventor 2 Robert M. Kay | Signature of Inventor 3 |
| Date 12-6-96 | Date | Date |

DP.MRG 8/96

08728463 101096